

REMARKS/ARGUMENTS

Responsive to the Official Action mailed July 23, 2004, applicants have further revised the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, claims 5 and 6 have been amended. Reconsideration is respectfully requested.

In the Action, the Examiner objected to claim 6, noting an obvious typographical error. This claim has been revised accordingly, and it is believed that this objection can be withdrawn.

In rejecting the pending claims under 25 U.S.C. §103, the Examiner relies upon U.S. Patent No. 4,556,601, to Kirayoglu, in view of U.S. Patent No. 5,240,764, to Haid et al. However, applicants must respectfully maintain that the principal Kirayoglu reference clearly fails to teach or suggest applicants' novel filter media, as claimed, and that only their *own disclosure* would suggest a modification of the principal Kirayoglu patent's teachings in light of the secondary Haid et al. patent. As such, the Examiner's rejection is respectfully traversed.

There can be little argument that the principal Kirayoglu patent fails to teach applicants' filter media as claimed. Applicants' pending claims specify a particular maximum basis weight for their claimed filter media, and go on to specify a normalized resultant strength characteristic, setting forth specific minimum machine-direction and cross-direction strip tensile strengths *as related to the basis weight*.

This shortcoming in the teachings of the principal Kirayoglu reference cannot be overlooked. With reference to Table IV of Kirayoglu, setting forth extensive test data regarding fabrics made from polyethylene terephthalate, only three (3) of the fabrics of Example III fall within applicants' specified maximum fabric basis weight. Those three fabrics (designated 3-b, 3-c, and 3-d), *each fail to exhibit the specified, normalized machine-direction and cross-direction strip tensile characteristics set forth in the claims.*

The test data set forth in Example IV of Kirayoglu similarly shows the shortcomings in Kirayoglu of teaching or suggesting the present invention. Again, each of the examples of Examples 4 formed from polyethylene terephthalate fibers, fail to exhibit applicants' claimed combination of machine-direction and cross-direction strip tensile characteristics.

In the Action, the Examiner has responded to this undeniable shortcoming in the teachings of Kirayoglu by stating "the strength characteristics claimed by Applicants would be inherent to the fabric of Kirayoglu once heat-treated as by Haid et al." Thus, the present rejection is based upon the supposition that the fabric of Kirayoglu *must be* heat-treated in order to arrive at a filter media fabric exhibiting applicants' novel strength characteristics.

Applicants must continue to respectfully maintain that those skilled in the art *would not* be motivated to modify the fabric of Kirayoglu by heat-treatment, a modification of the teachings of the principal reference, upon which the present rejection is predicated.

As has been previously discussed, there are *no teachings* in the Kirayoglu reference of effecting heat-treatment. Instead, this reference specifically *requires* that the disclosed fabric *has not been subjected to a shrinking operation* (column 10, lines 52-53). Only applicants' own disclosure would suggest modification of the Kirayoglu reference in light of the teachings of Haid et al., since the principal Kirayoglu reference, *by its very disclosure, precludes heat-treatment*.

Applicants continue to respectfully refer to M.P.E.P. Section 2143.01, which specifically admonishes that "the proposed modification cannot render the prior art unsatisfactory for its intended purpose" (citation omitted). The clear mandate of the M.P.E.P is that the thrust of a reference *cannot be ignored* when its teachings are modified in formulating a rejection under 35 U.S.C. §103.

In the present case, the principal Kirayoglu reference *requires that the disclosed fabric not be subjected to shrinkage, i.e., heat-treatment*. Clearly, there would be *no motivation whatsoever* for one skilled in the art to subject the fabric of Kirayoglu to heat-treatment, as postulated by the Examiner in her rejection.

Significantly, experience has shown that applicants' specifically recited heat-treatment not only achieves novel strength characteristics, but additionally desirably *reduces shrinkage during use*. When a filter formed from applicants' specifically recited fabric is used over an associated cage, such as in a typical filtering operation, it is desirable that a filter media exhibit very limited shrinkage, because otherwise, the filter media can become too tight on the cage, with reverse pulsing of the filtration system to

rid the filter media of debris undesirably resulting in *the cage abrading the filter*, negatively impacting the life span.

It is respectfully maintained that there is *simply no recognition* in the principal Kirayoglu reference of addressing the problem associated with limiting abrasion attendant to typical reverse-flow cleaning of the filter media.

Additionally, applicants' presently pending claims specify a maximum shrinkage value, a characteristic which is not even discussed in the principal Kirayoglu reference, apart from the mandate that the fabric not be subjected to a shrinking operation. Applicants again must respectfully refer to M.P.E.P. Section 2143.03 which specifically requires that "all claim limitations must be taught or suggested by the prior art" (citation omitted). Again, the Examiner has asserted that such characteristics "would inherently be present once the Kirayoglu product is modified . . . by heat-treating". Once again, the basis of the rejection under 35 U.S.C. §103 is a modification of the teachings of the principal reference in a manner *contrary to* the expressly stated requirements of the reference.

In view of the foregoing, reconsideration is respectfully requested. It has been acknowledged that the principal Kirayoglu reference clearly fails to teach or suggest applicants' claimed filter media, including all of the specifically recited structural characteristics of the filter construct. The reference itself *teaches against* the modification upon which the present rejection is predicated. Applicants must respectfully maintain that the significantly improved strength and shrinkage

modification upon which the present rejection is predicated. Applicants must respectfully maintain that the significantly improved strength and shrinkage characteristics specified in their claims *underscore the patentability* of their novel filter construct, when the principal reference upon which the present rejection is based, fails to teach providing such structural characteristics, and teaches away from a modification which is speculated to provide such performance.

In view of the foregoing, formal allowance of claims 5, 6, and 8, 9, and 10 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fee which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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